



U.S. Department of Justice

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November 30, 2021

BY ECF

The Honorable George B. Daniels
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

The Honorable Sarah Netburn
United States Magistrate Judge
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *In re Terrorist Attacks on September 11, 2001*
No. 03 Md. 1570 (GBD) (SN);
Faulkner v. Bin Laden et al.
No. 09 Civ. 7055 (GBD) (SN) – Potential Participation of
the United States Pursuant to 28 U.S.C. § 517

Dear Judge Daniels and Judge Netburn:

The United States of America (the “United States” or the “Government”) has received the Court’s Order issued on November 15, 2021, in *Faulkner v. Bin Laden et al.*, No. 09 Civ. 7055 (GBD) (SN) (ECF No. 208), identifying certain issues relevant to pending and anticipated motion practice in that matter and directing the Government to advise the Court by December 10, 2021, whether the Government intends to submit a Statement of Interest in this matter. This letter does not constitute an opinion of the United States regarding any of the issues identified by the Court.

The United States is actively considering whether to file a Statement of Interest in the *Faulkner* matter pursuant to 28 U.S.C. § 517. That statute authorizes the Attorney General of the United States to send any officer of the Department of Justice to “attend to the interests of the United States in a suit pending in a court of the United States, or in the courts of a State, or to attend to any other interest of the United States.” 28 U.S.C. § 517. The process for deciding whether to file a Statement of Interest involves coordination among interested government agencies and approval of the U.S. Department of Justice

Hon. George B. Daniels
Hon. Sarah Netburn
November 30, 2021
Page 2

through the Acting Assistant Attorney General for the Civil Division. The United States is currently undertaking that coordination. The United States is also analyzing the relationship, if any, of the issues identified by the Court in this case to the United States' anticipated Statement of Interest in *Doe v. The Taliban*, No. 20 Misc. 740 (KPF), and *Havlish v. Bin-Laden*, No. 03 Civ. 9848 (GBD) (SN), to which the Court referred in its November 15 Order. *See* ECF No. 208 at 2.

Taking into consideration the need for the consultation, analysis, and approval process to be completed, the United States respectfully requests the Court's leave to either file a Statement of Interest in the *Faulkner* matter, or to indicate that the United States does not intend to do so, by January 28, 2022. If the United States determines before January 28, 2022, that it does not intend to participate in this matter, it will immediately notify the Court. The United States notes that it is separately seeking an extension of time until January 28, 2022, to file its anticipated Statement of Interest in the *Doe* and *Havlish* matters.

The United States appreciates the Court's consideration of this request.

Respectfully,

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cc: All counsel of record (via ECF)